

4/EU(2)/
Election/a
7-23-098

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Dubois *et al.*

Serial No.: 09/996,098

Filing Date: November 26, 2001

Examiner: Bhat, Aditya S

Group Art Unit: 2863

Title: METHOD TO CHARACTERIZE MATERIAL USING MATHEMATICAL PROPAGATION MODELS AND ULTRASONIC SIGNAL

Commissioner for Patents
Washington, D.C. 20231

Certification Under 37 C.F.R. 1.8

Date of Mailing: July 7, 2003

I hereby certify that I have caused the documents indicated herein to be deposited with the United States Postal Service to Addressee under 37 CFR § 1.8 on the date indicated above and addressed to Commissioner for Patents, Washington, D.C. 20231 and mailed on the above Date of Mailing.


Robert McLaughlin

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Dear Sir:

Applicants hereby respond to the Office Action mailed April 7, 2003. This Response is made within the shortened statutory period and, therefore, no additional fee is required.

Applicants appreciate the time and effort by the Examiner in reviewing this application. In the Action, the Examiner alleges that the application contains claims directed to three (3) patentably distinct species. Species I is directed towards measuring energy as disclosed with respect to page 9 lines 1-8 and Figure 1; and Species II is directed towards measuring sonic energy as disclosed with respect to Page 10 lines 19-21 and Page 13 lines 3-7 of the specification; and Species III is directed towards an ultrasound testing system as disclosed with respect to Page 15 lines 9-14 of the specification and Figure 3. By the Action, Applicants are required under 35 U.S.C. 121 to elect a single disclosed species for prosecution.

Accordingly, Applicants hereby elect Species II (the embodiment directed towards measuring sonic energy). Applicant respectfully submits that Claims 8-41 each involve measuring acoustic or sonic energy and thus are readable on Species II. A listing of these claims

is attached. Applicants reserve the right to file Divisional applications on the non-elected species.

Applicants respectfully submit that the directed towards an ultrasound testing system per Figure 3, encompasses the arrangement for measuring sonic energy contemplated in Species II. Additionally, applicants respectfully traverse the examiner's assertion that the application contains claims directed to three (3) patentably distinct species.

It is believed no fee is due with this transmission, however, should a fee be determined due with this transmission, the Commissioner is authorized to debit Koestner Bertani LLP Deposit Account No. 50-2240.

Respectfully submitted,
Koestner Bertani LLP



Robert A. McLauchlan
Reg. No. 44,924
ATTORNEY FOR APPLICANTS

Dated: July 7, 2003

4201 West Parmer Lane
Suite A100
Austin, TX 78727
Tel: (512) 339-4100
Fax: (512) 692-2529